

Amendment in response to
February 23, 2007 Office action

Atty Dkt No.: 2003P04023US
Serial No.: 10/625,960

REMARKS

Claims 1 – 40 remain in the application and stand rejected. Claims 2, 4, 18, 19, 22, 24, 38 and 39 are amended. Although this Response is being timely filed, the Commissioner is hereby authorized to charge any additional fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

The specification is amended for grammar. No new matter is added.

Claims 18 and 38 are amended to provide proper antecedent basis for the “Unified Messaging server” first recited therein. Claims 2, 4, 19, 22, 24 and 39 are amended to better recite the invention, indicating that the messages accessed by phone (recited in claims 1 and 20) are accessed through the “Unified Messaging server.” The present invention as recited in these amended claims is neither shown or suggested by any reference of record. This amendment to claims 2, 4, 19, 22, 24 and 39 is supported in the specification, for example, by the description of the “Unified Messaging server” on page 1, lines 23 – 31, and page 4, lines 4 – 7 with reference to element 100 of Figure 1. No new matter is added. Consideration and allowance of Claims 2, 4, 18, 19, 22, 24, 38 and 39, as amended, is respectfully requested.

Claims 1 – 8, 10, 11, 13 – 15, 17, 18, 20 – 28, 30, 31, 33 – 35, 37, 38 and 40 are rejected under 35 U.S.C. §102(b) over published European Patent Application No. EP-0-865-189-A2 to Pizano et al. Claims 9, 12, 29 and 32 are rejected under 35 U.S.C. §103(a) over Pizano et al. in combination with published U.S. Patent Application No. 2001/0054085 to Kurgamnov. Claims 16 and 36 are rejected under 35 U.S.C. §103(a) over Pizano et al. in combination with U.S. Patent No. 5,349,648 to Handley. Claims 19 and 39 are rejected under 35 U.S.C. §103(a) over Pizano et al. alone. The rejection is respectfully traversed.

Although it is asserted that Pizano et al. teaches the invention as recited in claims 1 – 8, 10, 11, 13 – 15, 17 – 28, 30, 31, 33 – 35 and 37 – 40; in point of fact Pizano et al. only teaches a “universal multimedia mailbox” (Pizano et al. title) that may provide one aspect of the present invention. More particularly, the Pizano et al. “universal multimedia mailbox” may provide the

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“Unified Messaging server” originally recited in dependent claims 18 and 38 and currently also recited in claims 2, 4, 19, 22, 24 and 39. With specific regard to the “Unified Messaging server”, Pizano et al. teaches a “system that provides users with the capability to access messages contained in a remote universal multimedia mailbox interfaces with an underlying universal messaging server which provides a repository for voice, fax, e-mail, etc. . . .” Abstract, lines 1 – 5. However, Pizano et al. falls short of teaching the present invention.

Specifically, Pizano et al. teaches “a system capable of handling two special message classes: **Dynamic image annotation which involves computer-generated messages in which synchronized voice, mouse movements and graphics are used to describe conditions associated with the contents of an underlying image; and browsable video messages . . .**” page 2, lines 22 – 26 (emphasis added). “Typically, the universal mailbox contains a combination of the following message classes: . . . dynamically annotated images: computer generated messages containing synchronized voice, graphics and mouse gestures used to describe conditions associated with an underlying image.” Page 3, lines 14 – 21. Also, someone accessing messaging messages from a Pizano et al. system can reply to those messages. See, e.g., page 2, lines 37 – 39, page 3, lines 30 – 33 and page 4, line 12 (“a telephony attendant 27 . . . [r]ecords voice replies to e-mail messages 41 and handles them through message generator 23.”). However, while an annotation may be included in a reply, a Pizano et al. reply is not an annotation.

Furthermore, there is nothing anywhere in Pizano et al., at least that the applicant could identify, that teaches “annotating said speech message with at least one speech annotation; and inserting said speech annotation into said original message.” Claim 1, lines 3 – 4 and see, claim 20, lines 3 – 4. As noted in the present application “current message delivery methods [such as Pizano et al.] are not known to allow more sophisticated message interaction by users such as to edit the recorded message such as to insert commentary or other annotation.” Page 2, lines 1 – 3 (emphasis added). More specifically, even with Pizano et al. system, “a telephone user, who is receiving an email message over a voice connection using the TTS conversion provided by the **Unified Messaging system, has no way of annotating the message being delivered with notes and comments.**” *Id.*, lines 3 – 6 (emphasis added). Certainly, accessing messages, even dynamically annotated images in a Pizano et al. universal mailbox, and responding to those

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messages, is different than allowing someone to edit, and insert edits, into the original message as recited in claims 1 and 20. Therefore, Pizano et al. fails to teach or suggest the present invention as recited in claims 1 and 20 or, in claims 2 – 8, 10, 11, 13 – 15, 17 – 19, 21 – 28, 30, 31, 33 – 35 and 37 – 40, which depend from claims 1 and 20. Reconsideration and withdrawal of the rejection of claims 1 – 8, 10, 11, 13 – 15, 17 – 28, 30, 31, 33 – 35 and 37 – 40 under 35 U.S.C. §§102(b) and/or 103(a) is respectfully requested.

Regarding the rejection of claims 9, 12, 16, 29, 32 and 36 under 35 U.S.C. §103(a) over Pizano et al. in combination with Kurgamnov or Handley; neither Kurgamnov nor Handley adds what is missing from Pizano et al. to result in the present invention as recited in claims 1 and 20, much less in claims 9, 12, 16, 29, 32 and 36, which depend from claims 1 and 20. Kurgamnov teaches a user created record that identifies the location of information and a corresponding recognition grammar based on a speech command. Recognition of the speech command invokes access to the information. Handley teaches “‘Typist Correction Codes’ contained in the original manuscript.” Col. 16, lines 20 – 22, used as described at lines 29 – 34. Therefore, Pizano et al. in combination with Kurgamnov or Handley or any other reference of record fails to result in the present invention as recited in claims 9, 12, 16, 29, 32 and 36. Reconsideration and withdrawal of the rejection of claims 9, 12, 16, 29, 32 and 36 under 35 U.S.C. §103(a) is respectfully requested.

The applicant has considered the references cited but not relied upon in the rejection and find them to be no more relevant than the references upon which the rejection is based.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1 – 40 under 35 U.S.C. §§102(b) and 103(a) and allow the application to issue.

Applicant notes that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

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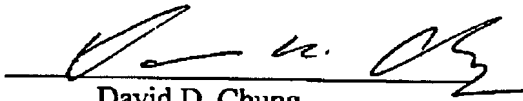
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If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.

(emphasis added.) The applicant believes that the written description of the present application is quite different than and, not suggest by, any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney by telephone at (650) 694-5339 for a telephonic interview to discuss any other changes.

Respectfully submitted,

May 22, 2007
(Date)


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